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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/623,868 | 07/22/2003 | Edward Cocciadiferro | 034017R009 | 7539 |
| 441 | 7590 | 11/25/2005 | EXAMINER | |
| SMITH, GAMBRELL & RUSSELL, LLP 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036 | | | KIM, SANG K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3654 | |

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/623,868 | Applicant(s) COCCIADIFERRO ET AL. | |
| | Examiner SANG KIM | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 46-53 is/are pending in the application.
4a) Of the above claim(s) 11-45 is/are withdrawn from consideration.
5) ☒ Claim(s) 6,10,47,49 and 50 is/are allowed.
6) ☒ Claim(s) 1-5,7-9,46,51 and 52 is/are rejected.
7) ☒ Claim(s) 48 and 53 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group I (claims 1-10) in the reply filed on 4/18/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse.

Claims 11-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/18/05.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

The above items are missing for the second listed inventor, Lynn Noble.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 46, and 51-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase, "said spindle moves along a horizontal plane in going from a position less easily accessible to one more easily accessible to an operator," is indefinite and vague. What constitutes "easily accessible to one more easily accessible"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-9, 46, and 51-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Morales et al., U.S. Patent No. 5871170.

With respect to claim 1, Morales '170 shows a support member 10; a spindle 20 having a support extension 15 for receiving a roll; and a spindle-to-support connector 60, 25 supporting said spindle 20 for adjustment of said spindle between a dispenser mode position and a replacement position (through a pivot motion using 60 and 25), and

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wherein said spindle-to-support connector is arranged such that said spindle moves along a horizontal plane (by using a telescopic assembly 15) towards an operator for an easier access to load and unload the roll, see figures 1-3.

With respect to claim 2, Morales '170 shows a hinge 25 which provides the dispensing and replacement modes, see figure 3.

With respect to claims 3-4, Morales '170 shows the spindle arranged in along a longitudinal axis coinciding with an axis of roll rotation in figure 2. But, Morales '170 also shows the replacement position which is 90 degrees away from the longitudinal axis, see figure 3.

With respect to claim 5, Morales '170 shows a roll retention means using a pair of spring pins 22', 22" provided at a free end of the spindle which engages the roll which acts as a latch mechanism, see figure 2.

With respect to claim 8, Morales '170 shows a support member 10; a spindle 20 having a support extension 15 for receiving a roll; and a spindle-to-support connector 60, 25 supporting said spindle 20 for adjustment of said spindle between a dispenser mode position and a replacement position (through a pivot motion using 60 and 25), a roll retention means using a pair of spring pins 22', 22" provided at a free end of the spindle which engages the roll which acts as a latch mechanism, see figures 1-3.

With respect to claims 9 and 51-52, Morales '170 shows the latch 22', 22" further comprises a release facilitator (using a spring 29) to remove the roll from the spindle as the spindle moves into the dispenser mode position, see figure 3.

With respect to claim 46, Morales '170 shows the spindle rotating about a vertical axis, see figure 3.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Ancona et al., U.S. Patent No. 4741486.

Ancona '486 shows a support member 10; a spindle 86 having a support extension 84 for receiving a roll; and a spindle-to-support connector 16, 92 supporting said spindle 86 for adjustment of said spindle between a dispenser mode position and a replacement position (through a pivot motion using 16 and 94), and wherein said support extension includes a pair of telescopically sliding sleeves 82, 84 adjustable in axial length for accommodating different axial length rolls, see figure 5.

Allowable Subject Matter

Claims 6, 10, 47, 49-50 are allowed.

Claims 48 and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The claims are patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth in claims 6 and 10, including all the structural elements recited above, and the roll retention latch includes a handle member that can pivot into a first position to remove the roll and back into a latch position to retain the roll by moving the handle into an axial

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abutment position to the roll as recited in claim 6; and said spindle has two axially spaced roll mounting surfaces of different diameter with an interior one being larger in diameter than an outer one, and mounting surfaces are dimensioned relative to core inserts of the roll which core inserts are dimensioned of different sizes, as recited in claim 10. The prior art of record, especially Morales '170 and Ancona '486, shows a telescopic feature that can position the roll in a different position with different mounting surfaces along the length thereof, but these mounting surfaces cannot correspond to different sizes of core inserts since the mounting surfaces cannot expand or contract. Therefore, the references fail to show a handle member that can pivot into a first position to remove the roll and back into a latch position to retain the roll by moving the handle into an axial abutment position to the roll, or show the spindle with two axially spaced roll mounting surfaces of different diameter with an interior one being larger in diameter than an outer one, and mounting surfaces are dimensioned relative to core inserts of the roll which core inserts are dimensioned of different sizes.

Response to Arguments

Claims 46-53 have been added.

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

The added recitation that the spindle-to-support connector is arranged such that the spindle moves along a horizontal plane and into different positions necessitated the new grounds of rejection as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

11/17/05

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600